

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-31 in the application. In previous responses, the Applicants amended Claims 1-3, 5, 11, 13, 19, 21, 27 and 29-31; cancelled Claims 8, 9, 10, 14-18, 22-26, 30 and 31; and added Claims 32-46. In this response, the Applicants amend Claim 44. The amendment is supported, *e.g.*, by the Application as filed at ¶¶ [0018], [0061] and [0070]. Accordingly, Claims 1-7, 11-13, 19-21, 27-29, and 32-46 are currently pending in the application.

The Applicants submitted amendments and remarks on June 19, 2009 responsive to a final Office Action delivered March 19, 2009. The Office delivered a first Notice of Non-Complaint Amendment on January 5, 2010, and a second Notice of Non-Complaint Amendment on January 6, 2010, both of which indicate that the arguments supporting patentability of Claims 44-46, newly submitted in the August 17 Office Action, were not proper.

To address the requirement for additional arguments supporting patentability, the Applicants submit herewith amendments to Claim 44 and remarks as set forth below. Such amendments and arguments are provided to advance prosecution of the Application while making no admission regarding the sufficiency of remarks supporting patentability of Claims 44-46 in the June 19 response.

#### **I. Arguments Supporting Patentability of Claims 44-46**

Claim 44 includes various features of a method, including “transmitting, in response to receiving the first request, an index file to the first requesting instance, and transmitting, in response to receiving the second request, the index file to the second requesting instance, wherein the index file includes filtering criteria that identify the first requesting instance according to characteristics of the first client computer system and/or a broadband service account associated with the first client”

computer system, but fail to identify the second requesting instance according to characteristics of the second client computer system and/or a broadband service account associated with the second client computer system". Even if, *arguendo*, the asserted combination of references teach various aspects of the claim, the combination as applied fails to teach or suggest this feature. For example, the Office has characterized Sadowsky as teaching "sending a master object to a client including fields that indicate what files are available to the client", "the client requesting specific files from the master object", "the master object is an index file", and "the master object is provided to the client". (See March 19, 2009 Office Action, page 3.)

However, the Office has not cited any reference as teaching the claim features recited above, including the relationship between the filtering criteria and characteristics of the first and second client computer systems and/or broadband service accounts associated with the first and second client computer systems. Furthermore, the Applicants respectfully submit that this relationship is not obvious from the asserted combination at least because Sadowsky teaches updating software based on a descriptor that characterizes software to be updated, not characteristics of the client computer and/or a broadband service account associated with the client computer. For instance, in a nonlimiting example, the instant application states "recipients of announcements can be based upon the location of the user as identified in the agent profile". (§ [0070]). Thus, Claim 44 is allowable over the references of record as currently applied. Claims 45 and 46 are allowable at least because they each depend from an allowable base claim.

Accordingly, Claims 44-46 are allowable, and the Applicants respectfully request that the Office issue a Notice of Allowance therefor.

## II. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-7, 11-13, 19-21, 27-29, and 32-46.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

**HITT GAINES, P.C.**

A handwritten signature in dark ink, appearing to read "Andrew R. Ralston", is written over the printed name.

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